## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS EL PASO DIVISION

JOSE DAVILA and MARCELA C.	§	
DUARTE,		
	§ §	
Plaintiffs,	§	
	§	
<b>v.</b>	§	EP-10-CA-366-FM
	§	
THE UNITED STATES OF AMERICA;	§	
UNKNOWN AGENTS OF U.S.	§	
CUSTOMS AND BORDER	§	
PROTECTION; IFTIKHAR KHAN;	§	
BLAKE TRESTER; PHIL BASAK;	§	
BRIAN L. SIKES; MARK SPIER;	§	
UNKNOWN RANGERS OF THE U.S.	§	
NATIONAL PARK SERVICE; and	§	
UNKNOWN BREWSTER COUNTY	§	
SHERIFF DEPUTIES,	§	
	§ §	
Defendants.	§	

## **ORDER CLOSING CASE**

On this day, the court considered the status of the above-captioned cause. On October 31, 2011 the court entered its "Memorandum Opinion and Order" [ECF No. 53], dismissing with prejudice eight of Plaintiffs Jose Davila and Marcela C. Duarte's ("Plaintiffs") claims. Plaintiffs now advise the court that they will not pursue the remaining claims, counts one and four. Accordingly, the court now enters its final judgment pursuant to Federal Rule of Civil Procedure 58.

The court **DISMISSES** the above-captioned cause **WITH PREJUDICE**, except that counts one and four are dismissed **WITHOUT PREJUDICE**. The Clerk of the Court is instructed to **STRIKE** this matter from the docket. There being no just cause for delay, this is a

<sup>&</sup>lt;sup>1</sup> See Plaintiffs' Advisory to the Court [ECF No. 55].

FINAL and APPEALABLE Judgment. All pending motions in this matter, if any, are

**DENIED** as **MOOT**. The Clerk of the Court is instructed to **CLOSE** this case.

SO ORDERED.

SIGNED this 15th day of November, 2011.

FRANK MONTALVO

UNITED STATES DISTRICT JUDGE